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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13  
14 vs.  
15 DAVID KENNETH HANSEN,  
16 Defendant.

17 Case No.: 2:20-cr-021 TLN

18  
19 STIPULATION AND ORDER  
20 CONTINUING STATUS CONFERENCE  
21 AND EXCLUDING TIME UNDER THE  
22 SPEEDY TRIAL ACT

23 Date: August 26, 2021  
Time: 9:30 a.m.  
Court: Hon. Troy L. Nunley

24 Plaintiff United States of America by and through Assistant United States Attorney James  
25 Conolly, and Attorney Todd Leras on behalf of Defendant David Hansen, stipulate as follows:

26 1. This matter is presently set for a status conference on August 26, 2021. By this  
27 stipulation, Defendant Hansen moves to continue the status conference to December  
9, 2021.

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1       2. This case involves drug trafficking and firearm charges stemming from execution of  
2       search warrants in Sacramento and Placer Counties. Defendant appeared for  
3       arraignment on the charges contained in the Indictment on January 24, 2020. During  
4       the period following the arraignment a series of national events related to the spread  
5       of COVID-19 occurred.

6       7. Federal and state authorities issued increasingly restrictive directives to slow the  
7       spread of the virus. Widespread distribution of vaccines appeared to be improving  
8       the situation by mid-June 2021, but a recent surge in the Delta Variant resulted in the  
9       return of many restrictions. These restrictions have impeded the defense's ability to  
10      complete investigation as to potential defenses and sentencing mitigation in this  
11      matter. Defendant Hansen therefore requests to continue this matter to December 9,  
12      2021.

13      14. Defendant Hansen is being held in pre-trial detention at the Sacramento County Main  
14      Jail. The Chief Judge for the Eastern District of California has issued a series of  
15      orders, including General Orders 612, 617, 618, 620, 624, 628, 630, 631, and 632,  
16      restricting public access to the federal courthouses within the district from March 18,  
17      2020, up to June 14, 2021. General Orders 631 and 632 gave discretion to district  
18      judges to determine whether to hold hearings in person or via videoconferencing as of  
19      June 14, 2021. Sacramento County Public Health Officials thereafter, in early July  
20      2021, directed that indoor masking and social distancing requirements be reimposed  
21      due to a regional surge in Delta Variant infections. Many judges in this district have  
22      accordingly returned to holding hearings via videoconferencing.

23      24

25      26 ORDER CONTINUING STATUS  
26      27 CONFERENCE

- 1 5. The government has provided defense counsel with initial discovery consisting of
- 2 written offense reports and audio recordings. Defense counsel is reviewing these
- 3 materials with Mr. Hansen via occasional in-person visits at the Sacramento County
- 4 Jail and conducting follow up defense investigation. Some of the relevant events
- 5 occurred near Auburn, California, approximately 35 miles northeast of downtown
- 6 Sacramento. Potential evidence and witnesses are in the greater Auburn area. The
- 7 defense therefore requests additional time to perform its discovery review and
- 8 investigation.
- 9
- 10 6. Given the ongoing defense investigation, Defendant Hansen requests to continue the
- 11 status conference in this matter to December 9, 2021, at 9:30 a.m., and to exclude
- 12 time between August 26, 2021, and December 9, 2021, inclusive, under Local Code
- 13 T-4. The United States does not oppose this request.
- 14
- 15 7. Attorney Todd Leras represents and believes that failure to grant additional time as
- 16 requested would deny Defendant Hansen the reasonable time necessary for effective
- 17 preparation, considering the exercise of due diligence.
- 18
- 19 8. Based on the above-stated facts, Defendant Hansen requests that the Court find that
- 20 the ends of justice served by continuing the case as requested outweigh the best
- 21 interest of the public and the Defendant in a trial within the time prescribed by the
- 22 Speedy Trial Act.
- 23
- 24 9. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*
- 25 *seq.*, within which trial must commence, the time period of August 26, 2021 to
- 26 December 9, 2021, inclusive, is deemed excludable pursuant to 18 U.S.C. §
- 27

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1 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance  
2 granted by the Court at Defendant Hansen's request on the basis that the ends of  
3 justice served by taking such action outweigh the best interest of the public and the  
4 Defendant in a speedy trial.  
5

6 10. Nothing in this stipulation and order shall preclude a finding that other provisions of  
7 the Speedy Trial Act dictate that additional time periods are excludable from the  
8 period within which a trial must commence.  
9

10 Assistant U.S. Attorney James Conolly has reviewed this proposed order and authorized  
11 Todd Leras via email to sign it on his behalf.  
12

DATED: August 23, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

14 By */s/ Todd D. Leras for*  
15 JAMES CONOLLY  
16 Assistant United States Attorney

DATED: August 23, 2021

17 By */s/ Todd D. Leras*  
18 TODD D. LERAS  
19 Attorney for Defendant  
20 DAVID HANSEN  
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ORDER CONTINUING STATUS  
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## ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for August 26, 2021, is vacated. A new status conference is scheduled for **December 9, 2021, at 9:30 a.m.** The Court further finds, based on the representations of the parties and Defendant Hansen's request, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from August 26, 2021, up to and including December 9, 2021.

IT IS SO ORDERED.

DATED: August 24, 2021

Troy L. Nunley  
United States District Judge

ORDER CONTINUING STATUS  
CONFERENCE